

REMARKS

Claim 21 was objected to. Claim 21 has been cancelled and the limitation of claim 21 has been incorporated into both claims 17 and 19. Accordingly, claims 17-20 should now be allowed.

Claims 1, 4, 7-9, and 14-16 were rejected based on Stephanou alone or in combination with Liu. Stephanou describes a system in which help requests are directed to human experts. Liu relates to a system that aids in the management of a virtual private network. As understood, the system works by sending secure commands to gateways in the virtual private network that cause the gateways to reconfigure themselves.

In contrast, the present application describes a system in which a diagnostic unit is provided to aid in the diagnosis of a fault between a subscriber and a network. It is intended that a subscriber will connect to the diagnostic unit for the purpose of diagnosing communication problems. The wording of claim 1 has been clarified to indicate that steps are being performed by or with the diagnostic unit. It is clear from the claim that the present invention is very different from the system of Stephanou for matching humans with questions to human experts who can answer them.

Because the invention is directed at a different problem than the references, none of the references shows all of the claimed features. As understood, neither reference shows a system in which a diagnostic unit provides a diagnostic web site so that a subscriber having problems can send a communication to the diagnostic unit so that the diagnostic unit can determine configuration information about the subscriber terminal being used. Thus, none of the claims are anticipated.

As to obviousness, Applicants contend, first, that the references should not be combined. The references are directed to different classes of problems. One relates to providing reliable storage and the other relates to management of a virtual private network. There is no teaching or motivation to combine these references, thus, the references do not make a case of obviousness.

Second, even if the references could be combined, they fail to teach the claimed combinations. Neither of the references shows a diagnostic unit used as in the claims.

Claims 2, 3 and 6 were further rejected based on Kandasamy. This reference relates to a fault tolerant storage system. As understood, the overall system continues operation even if there

Serial No.: 09/552,105
Conf. No.: 3061

- 7 -

Art Unit: 2143

is a fault with one of the servers. These claims are clarified to indicate that "fault tolerant" in this context relates to a fault communicating with the network.

Serial No.: 09/552,105
Conf. No.: 3061

- 8 -


Art Unit: 2143

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Schmidt, et al., Applicant(s)

By: 
Edmund J. Walsh, Reg. No.32,950
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. T0529.70001US00US
Date: September 11, 2003
x10/04/03x